

119<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S.** \_\_\_\_\_

To amend the Immigration and Nationality Act to establish a national-interest standard for immigration, end certain family-sponsored immigration categories, revise standards relating to good moral character, eliminate the diversity immigrant category, revise public-charge and sponsor-support rules, revise naturalization requirements, reform employment-based immigration and H-1B visas, eliminate Optional Practical Training absent express statutory authorization, revise asylum procedures, require employment eligibility verification, establish additional penalties relating to unlawful presence and visa overstays, revise parole authority, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. TUBERVILLE introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend the Immigration and Nationality Act to establish a national-interest standard for immigration, end certain family-sponsored immigration categories, revise standards relating to good moral character, eliminate the diversity immigrant category, revise public-charge and sponsor-support rules, revise naturalization requirements, reform employment-based immigration and H-1B visas, eliminate Optional Practical Training absent express statutory authorization, revise asylum procedures, require employment eligibility verification, establish additional penalties

relating to unlawful presence and visa overstays, revise parole authority, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLES; TABLE OF CONTENTS.**

4        (a) SHORT TITLES.—This Act may be cited as the  
 5 “American System for Sustainable Immigration and Mass  
 6 Immigration Limitations Achieved Through Imposing  
 7 Oversight Nationally Act” or the “ASSIMILATION Act”.

8        (b) TABLE OF CONTENTS.—

Sec. 1. Short titles; table of contents.

TITLE I—FINDINGS, PURPOSES, DEFINITIONS, AND STANDARDS

Sec. 101. Findings.

Sec. 102. Purposes.

Sec. 103. Definitions.

Sec. 104. National interest standard.

TITLE II—IMMIGRANT AND NONIMMIGRANT CLASSIFICATIONS

Sec. 201. Family-sponsored immigration reform.

Sec. 202. Elimination of diversity immigrant category.

Sec. 203. Employment-based immigration.

Sec. 204. H-1B reforms.

Sec. 205. Optional practical training.

Sec. 206. Per-country limitations.

TITLE III—ADMISSION, INADMISSIBILITY, SPONSORSHIP, AND  
 ADMINISTRATIVE AUTHORITY

Sec. 301. Public charge.

Sec. 302. Affidavits of support and sponsor financial requirements.

Sec. 303. Visa overstays.

Sec. 304. Parole.

Sec. 305. Limitations on enforcement discretion.

TITLE IV—NATURALIZATION AND CITIZENSHIP

Sec. 401. Good moral character.

Sec. 402. Naturalization.

Sec. 403. Documentation of citizenship at birth.

TITLE V—ASYLUM, INSPECTION, DETENTION, AND  
 UNACCOMPANIED ALIEN CHILDREN

- Sec. 501. Asylum.
- Sec. 502. Credible fear and expedited removal.
- Sec. 503. Family detention.
- Sec. 504. Unaccompanied alien children.

TITLE VI—EMPLOYMENT ELIGIBILITY VERIFICATION AND LABOR PROTECTIONS

- Sec. 601. Employment eligibility verification.
- Sec. 602. H-2a wage methodology.

TITLE VII—CONFORMING AMENDMENTS; REPORTS; EFFECTIVE DATES; APPLICABILITY; SEVERABILITY

- Sec. 701. Reports.
- Sec. 702. Effective dates.
- Sec. 703. Applicability and transition provisions.
- Sec. 704. Severability.

**1 TITLE I—FINDINGS, PURPOSES,  
2 DEFINITIONS, AND STANDARDS**

**3 SEC. 101. FINDINGS.**

4 Congress finds the following:

5 (1) The Immigration and Nationality Act  
6 Amendments of 1965 (Public Law 89–236; com-  
7 monly known as the “Hart-Celler Act”), fundamen-  
8 tally changed the United States immigration system  
9 by replacing the national origins quota system with  
10 a preference system giving priority to extended fam-  
11 ily-based immigration rather than basing the admis-  
12 sion of immigrants on serving the national interest.

13 (2) The immigration system established by the  
14 Hart-Celler Act has—

15 (A) produced consequences that differ sub-  
16 stantially from the goals described by the Act’s  
17 original proponents, including—

1 (i) unprecedented levels of chain mi-  
2 gration;

3 (ii) the creation of the diversity visa  
4 lottery under section 203(c) of the Immi-  
5 gration and Nationality Act (8 U.S.C.  
6 1153(c)); and

7 (iii) dramatic increases in overall im-  
8 migration levels; and

9 (B) placed strain on public resources;

10 (C) suppressed wages and decreased labor-  
11 market opportunities for United States workers;  
12 and

13 (D) tested the ability of the people of the  
14 United States to promote assimilation and so-  
15 cial cohesion.

16 (3) Given that immigration to the United  
17 States is not an entitlement, Congress has plenary  
18 authority to establish immigration policy that will  
19 serve the economic, cultural, and national security  
20 interests of the United States.

21 (4) The Immigration and Nationality Act (8  
22 U.S.C. 1101 et seq.) employs the concept of the na-  
23 tional interest in multiple contexts, including em-  
24 ployment-based immigration, but does not provide a  
25 generally applicable statutory standard for national-

1 interest determinations made for employment-selec-  
2 tion purposes.

3 (5) Clear definitions and evidentiary rules pro-  
4 mote transparency, consistency, and faithful admin-  
5 istration of Federal immigration laws.

6 **SEC. 102. PURPOSES.**

7 The purposes of this Act are—

8 (1) to ensure immigration policy advances the  
9 national interest by establishing a universal national  
10 interest standard under which each visa issuance,  
11 admission, and adjustment of status affirmatively  
12 furthers the economic prosperity, cultural cohesion,  
13 and national security of the United States, as deter-  
14 mined by the Secretary of Homeland Security under  
15 the criteria set forth in this Act; and

16 (2) to revise and repeal the central framework  
17 established by the Hart-Celler Act by replacing fam-  
18 ily-chain and lottery-based admissions with a merit-  
19 based system that prioritizes economic self-suffi-  
20 ciency, cultural assimilation, and the protection of  
21 United States workers.

22 **SEC. 103. DEFINITIONS.**

23 Section 101(a) of the Immigration and Nationality  
24 Act (8 U.S.C. 1101(a)) is amended by adding at the end  
25 the following:

1 “(54) The term ‘means-tested public benefit’—

2 “(A) means a cash, medical, housing, nutrition,  
3 or other similar public benefit for which eligibility,  
4 amount, or duration is conditioned, in whole or in  
5 part, on income, resources, or financial need; and

6 “(B) does not include—

7 “(i) emergency medical assistance;

8 “(ii) short-term, non-cash, in-kind emer-  
9 gency disaster relief;

10 “(iii) public health assistance for immuni-  
11 zations or for the testing or treatment of symp-  
12 toms of a communicable disease;

13 “(iv) assistance or benefits under the Rich-  
14 ard B. Russell National School Lunch Act (42  
15 U.S.C. 1751 et seq.) or the Child Nutrition Act  
16 of 1966 (42 U.S.C. 1771 et seq.);

17 “(v) foster care or adoption assistance for  
18 which an exception is provided under Federal  
19 law; or

20 “(vi) in-kind community-level services nec-  
21 essary for the protection of life or safety, as  
22 designated by regulation after consultation with  
23 appropriate Federal agencies.

1           “(55) The term ‘National Interest Occupation’ means  
2 an occupation so designated by the Secretary of Homeland  
3 Security pursuant to section 203(b)(4).

4           “(56) The term ‘objective evidence’—

5                 “(A) means independently verifiable evidence,  
6 including official records, government data, audited  
7 records, binding instruments, contemporaneous busi-  
8 ness records, or other reliable documentation; and

9                 “(B) does not include unsupported assertions,  
10 self-serving statements standing alone, or speculative  
11 projections.”.

12 **SEC. 104. NATIONAL INTEREST STANDARD.**

13           Section 101 of the Immigration and Nationality Act  
14 (8 U.S.C. 1101) is amended by adding at the end the fol-  
15 lowing:

16           “(j) NATIONAL INTEREST STANDARD.—

17                 “(1) APPLICATION.—This subsection shall only  
18 apply to provisions of this Act that expressly ref-  
19 erence this subsection.

20                 “(2) STANDARD.—An alien’s admission, classi-  
21 fication, employment, or proposed endeavor shall be  
22 deemed to be in the national interest only if such  
23 alien establishes, by a preponderance of objective  
24 evidence, that such admission, classification, employ-  
25 ment, or proposed endeavor is expected to produce

1 a material prospective public benefit for the United  
2 States.

3 “(3) PUBLIC BENEFIT.—A material prospective  
4 public benefit referred to in paragraph (2) may in-  
5 clude a significant benefit to the economic, cultural,  
6 educational, scientific, technological, health, foreign-  
7 policy, or security interests of the United States.

8 “(4) LIMITATIONS.—A determination under  
9 paragraph (2) or (3) may not be based solely on—

10 “(A) the private interest of the alien or of  
11 a petitioning employer;

12 “(B) unsupported testimonial assertions or  
13 generalized advocacy;

14 “(C) speculative, remote, or incidental ben-  
15 efits; or

16 “(D) a factor that a more specific provi-  
17 sion of this Act makes legally insufficient for  
18 the benefit sought.

19 “(5) RULES OF CONSTRUCTION.—Nothing in  
20 this subsection may be construed—

21 “(A) to alter the burden of proof required  
22 under section 291;

23 “(B) to displace a more specific statutory  
24 criterion, evidentiary requirement, limitation, or  
25 bar under this Act;

1                   “(C) to govern any use of the term ‘na-  
2                   tional interest’ in this Act unless the relevant  
3                   provision expressly references this subsection;  
4                   or

5                   “(D) to apply to section 103(a)(1).”.

6 **TITLE II—IMMIGRANT AND NON-**  
7 **IMMIGRANT                   CLASSIFICA-**  
8 **TIONS**

9 **SEC. 201. FAMILY-SPONSORED IMMIGRATION REFORM.**

10           (a) IMMEDIATE RELATIVE REDEFINED.—Section  
11 201(b)(2)(A)(i) of the Immigration and Nationality Act  
12 (8 U.S.C. 1151(b)(2)(A)(i)) is amended, in the first sen-  
13 tence, by striking “children, spouses, and parents” and all  
14 that follows through “21 years of age” and inserting  
15 “spouses and unmarried children under 18 years of age  
16 of a citizen of the United States”.

17           (b) MODIFICATION OF FAMILY-SPONSORED PREF-  
18 ERENCE CLASSIFICATION.—

19           (1) IN GENERAL.—Subsection (a) of section  
20 203 of such Act (8 U.S.C. 1153) is amended to read  
21 as follows:

22           “(a) SPOUSES AND MINOR CHILDREN OF LAWFUL  
23 PERMANENT RESIDENTS.—Visas shall be made available,  
24 subject to section 201(c), to qualified immigrants who are

1 the spouses or children under 18 years of age of an alien  
2 lawfully admitted for permanent residence.”.

3 (2) WORLDWIDE LEVEL OF FAMILY-SPONSORED  
4 IMMIGRANTS.—Section 201(c) of such Act (8 U.S.C.  
5 1151(c)) is amended—

6 (A) by amending paragraph (1) to read as  
7 follows:

8 “(A) IN GENERAL.—The worldwide level of  
9 family-sponsored immigrants under this sub-  
10 section for a fiscal year is equal to—

11 “(i) 88,000; reduced by

12 “(ii) the number computed under  
13 paragraph (2).”;

14 (B) by striking paragraphs (2), (3), and  
15 (5); and

16 (C) by redesignating paragraph (4) as  
17 paragraph (2).

18 (c) NONIMMIGRANT CLASSIFICATION FOR PARENTS  
19 OF UNITED STATES CITIZENS.—

20 (1) IN GENERAL.—Section 101(a)(15) of such  
21 Act (8 U.S.C. 1101(a)(15)) is amended—

22 (A) in subparagraph (T)(ii)(III), by strik-  
23 ing the period at the end and inserting a semi-  
24 colon;

1 (B) in subparagraph (U)(iii), by striking “;  
2 or” and inserting a semicolon;

3 (C) in subparagraph (V)(ii)(II), by striking  
4 the period at the end and inserting “; or”; and

5 (D) by adding at the end the following:

6 “(W) subject to section 214(s), an alien  
7 who is the parent of a citizen of the United  
8 States, if such citizen has attained 21 years of  
9 age.”.

10 (2) CONDITIONS FOR ADMISSION.—Section 214  
11 of such Act (8 U.S.C. 1184) is amended by adding  
12 at the end the following:

13 “(s) PARENTS OF CITIZENS OF THE UNITED  
14 STATES.—

15 “(1) PERIOD OF ADMISSION.—The initial period  
16 of admission for an alien admitted as a non-  
17 immigrant described in section 101(a)(15)(W) shall  
18 be 5 years.

19 “(2) EXTENSION.—Such period may be ex-  
20 tended only if the United States citizen sponsor re-  
21 sides in the United States.

22 “(3) INELIGIBILITY FOR EMPLOYMENT AND  
23 PUBLIC BENEFITS.—An alien admitted pursuant to  
24 a visa for a nonimmigrant described in section  
25 101(a)(15)(W) shall be ineligible for employment

1 and ineligible for any Federal, State, or local public  
2 benefit.

3 “(4) FINANCIAL RESPONSIBILITY.—The United  
4 States citizen sponsor shall be financially responsible  
5 for the support of such alien.

6 “(5) HEALTH INSURANCE.—Admission as a  
7 nonimmigrant described in section 101(a)(15)(W)  
8 shall require proof of health insurance coverage that  
9 does not impose any cost on the alien or on a Fed-  
10 eral, State, or local government.

11 “(6) NO IMMIGRANT STATUS CREATED.—Ad-  
12 mission as a nonimmigrant described section  
13 101(a)(15)(W) shall not be construed to confer eligi-  
14 bility for immigrant classification or adjustment of  
15 status except as otherwise expressly provided by  
16 law.”.

17 (d) TECHNICAL AND CONFORMING AMENDMENTS.—  
18 The Immigration and Nationality Act (8 U.S.C. 1101 et  
19 seq.) is amended—

20 (1) in section 101(a)(15)(V) (8 U.S.C.  
21 1101(a)(15)(V)), by striking “section 203(a)(2)(A)”  
22 each place such term appears and inserting “section  
23 203(a)”;

24 (2) in section 201(f) (8 U.S.C. 1151(f))—

1 (A) in paragraph (1), by striking “the age  
2 requirement in the matter preceding subpara-  
3 graph (A) of section 101(b)(1)” and inserting  
4 “the age requirement applicable to classification  
5 under such subsection”;

6 (B) in paragraph (2), by striking “section  
7 203(a)(2)(A)” and inserting “section 203(a)”;

8 (C) by striking paragraph (3);

9 (D) by redesignating paragraph (4) as  
10 paragraph (3); and

11 (E) in paragraph (3), as redesignated, by  
12 striking “(1) through (3)” and inserting “(1)  
13 and (2)”;

14 (3) in section 203(h), by amending paragraph  
15 (2) to read as follows:

16 “(2) PETITION DESCRIBED.—The petition de-  
17 scribed in this paragraph is, with respect to an alien  
18 child who is a derivative beneficiary under subsection  
19 (d), a petition filed under section 204 for classifica-  
20 tion of the alien’s parent under subsection (a) or  
21 (b).”;

22 (4) in section 204 (8 U.S.C. 1154)—

23 (A) in subsection (a)—

24 (i) in paragraph (1)—

25 (I) in subparagraph (A)—

1 (aa) in clause (i), by striking  
2 “paragraph (1), (3), or (4) of”;  
3 and  
4 (bb) by striking clause (vii);  
5 (II) in subparagraph (B)—  
6 (aa) in clause (i)—  
7 (AA) by redesignating  
8 the second subclause (I) as  
9 subclause (II) and moving  
10 such subclause 4 ems to the  
11 left; and  
12 (BB) in subclause (I),  
13 by striking “203(a)(2)” and  
14 inserting “203(a)”; and  
15 (bb) by striking  
16 “203(a)(2)(A)” each place such  
17 term appears and inserting  
18 “203(a)”; and  
19 (III) in subparagraph (D)(i)(I)—  
20 (aa) by striking “21 years of  
21 age” each place such term ap-  
22 pears and inserting “18 years of  
23 age”;  
24 (bb) by striking “a peti-  
25 tioner for preference status under

1 paragraph (1), (2), or (3) of sec-  
2 tion 203(a)” and inserting “an  
3 individual younger than 18 years  
4 of age for purposes of adjudi-  
5 cating such petition and for pur-  
6 poses of admission as an imme-  
7 diate relative under section  
8 201(b)(2)(A)(i) or a family-spon-  
9 sored immigrant under section  
10 203(a), as applicable.”; and

11 (ii) in paragraph (2)(A)—

12 (I) in the matter preceding clause  
13 (i), by striking “second preference”;  
14 and

15 (II) in the matter at the end, by  
16 striking “the term” and all that fol-  
17 lows through “section 203(a)(2),” and  
18 inserting “the term ‘spousal petition’  
19 refers to a petition seeking classifica-  
20 tion under section 203(a)”;

21 (B) in subsection (f)(1), by striking “,  
22 203(a)(1), or 203(a)(3), as appropriate”;

23 (C) by striking subsection (k); and

24 (D) by redesignating subsection (l) as sub-  
25 section (k);

1 (5) in section 212 (8 U.S.C. 1182)—

2 (A) in subsection (a)(6)(E)(ii), by striking  
3 “section 203(a)(2)” and inserting “section  
4 203(a)”; and

5 (B) in subsection (d)(11), by striking  
6 “(other than paragraph (4) thereof)”;

7 (6) in section 213A(f)(5)(B)(ii) (8 U.S.C.  
8 1183a(f)(5)(B)(ii)), by striking “section 204(l)” and  
9 inserting “204(k)”;

10 (7) in section 214(q)(1)(B)(i) (8 U.S.C.  
11 1184(q)(1)(B)(i)), by striking “section  
12 203(a)(2)(A)” each place such term appears and in-  
13 serting “section 203(a)”;

14 (8) in section 216(h)(1)(C) (8 U.S.C.  
15 1186a(h)(1)(C)), by striking “section 203(a)(2)”  
16 and inserting “section 203(a)”; and

17 (9) in section 237(a)(1)(E)(ii) (8 U.S.C.  
18 1227(a)(1)(E)(ii)), by striking “section 203(a)(2)”  
19 and inserting “section 203(a)”.

20 **SEC. 202. ELIMINATION OF DIVERSITY IMMIGRANT CAT-**  
21 **EGORY.**

22 (a) IN GENERAL.—The Immigration and Nationality  
23 Act (8 U.S.C. 1101 et seq.) is amended—

24 (1) in section 201 (8 U.S.C. 1151)—

25 (A) in subsection (a)—

1 (i) in paragraph (1), by striking the  
2 semicolon and inserting “; and”;

3 (ii) in paragraph (2), by striking “;  
4 and” and inserting a period; and

5 (iii) by striking paragraph (3); and

6 (B) by striking subsection (e); and

7 (2) in section 203 (8 U.S.C. 1153(c)), by strik-  
8 ing subsection (c).

9 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

10 The Immigration and Nationality Act (8 U.S.C. 1101 et  
11 seq.) is amended—

12 (1) in section 203 (8 U.S.C. 1153)—

13 (A) in subsection (d), by striking “under  
14 subsection (a), (b), or (c)” and inserting “under  
15 subsection (a) or (b)”;

16 (B) in subsection (e)—

17 (i) by striking paragraph (2);

18 (ii) by redesignating paragraph (3) as  
19 paragraph (2);

20 (C) in subsection (f), by striking “or in  
21 subsection (a), (b), or (c)” and inserting “or in  
22 subsection (a) or (b)”;

23 (D) in subsection (g), by striking “sub-  
24 sections (a), (b), and (c)” and inserting “sub-  
25 sections (a) and (b)”;

1 (2) in section 204—

2 (A) in subsection (a)(1)—

3 (i) by striking subparagraph (I); and

4 (ii) by redesignating subparagraphs  
5 (J) and (K) as subparagraphs (I) and (J),  
6 respectively; and

7 (B) in subsection (e), by striking “in be-  
8 half” and all that follows through “section 203”  
9 and inserting “on behalf of whom a petition  
10 under this section is approved, to be admitted  
11 to the United States as an immigrant under  
12 subsection (a) or (b) of section 203”.

13 (c) APPLICATION.—

14 (1) IN GENERAL.—The amendments made by  
15 this section shall apply only with respect to petitions  
16 and applications pending on, or filed on or after, the  
17 date of the enactment of this Act.

18 (2) PRIOR DIVERSITY VISA SELECTIONS.—An  
19 alien selected before the date of the enactment of  
20 this Act for a diversity immigrant visa under section  
21 203(c) of the Immigration and Nationality Act, as  
22 in effect on the day before such date of enactment,  
23 is not eligible, on or after that date, to receive a visa  
24 on the basis of that selection, and no petition or ap-  
25 plication based on that selection may be approved,

1 and no immigrant visa may be issued to the alien on  
2 the basis of that selection, on or after that date.

3 **SEC. 203. EMPLOYMENT-BASED IMMIGRATION.**

4 (a) STABILIZING THE WORLDWIDE LEVEL OF EM-  
5 PLOYMENT-BASED IMMIGRANTS.—Section 201(d) of the  
6 Immigration and Nationality Act (8 U.S.C. 1151(d)) is  
7 amended to read as follows:

8 “(d) WORLDWIDE LEVEL OF EMPLOYMENT-BASED  
9 IMMIGRANTS.—The worldwide level of employment-based  
10 immigrants granted visas in each fiscal year pursuant to  
11 section 203(b) shall be not more than 140,000.”

12 (b) ALLOCATION OF EMPLOYMENT-BASED IMMI-  
13 GRANT VISAS.—Section 203(b) of the Immigration and  
14 Nationality Act (8 U.S.C. 1153(b)) is amended to read  
15 as follows:

16 “(b) EMPLOYMENT-BASED IMMIGRANTS.—

17 “(1) IN GENERAL.—Visas shall be made avail-  
18 able, subject to section 201(d), to qualified immi-  
19 grants whose admission has been certified by the  
20 Secretary of Homeland Security to be in the na-  
21 tional interest in accordance with section 101(j)(2).

22 “(2) STANDARD FOR CERTIFICATION.—The  
23 Secretary of Homeland Security shall make the cer-  
24 tification described in paragraph (1) with respect to

1 an alien if the alien has established, by a preponder-  
2 ance of the evidence, that—

3 “(A) he or she satisfies at least 1 presump-  
4 tive positive factor described in paragraph (3);

5 “(B) none of the grounds of inadmissibility  
6 listed under paragraph (6) applies to him or  
7 her; and

8 “(C) all presumptive negative factors de-  
9 scribed in paragraph (5) have been rebutted.

10 “(3) PRESUMPTIVE POSITIVE FACTORS.—

11 “(A) HIGH COMPENSATION.—The alien  
12 has a bona fide offer of employment in the  
13 United States for which he or she will receive  
14 a salary, or has verified his or her ability to  
15 generate self-employment income in the United  
16 States, that is at or above the 90th percentile  
17 salary for the most relevant occupation code  
18 and area of intended employment, as deter-  
19 mined under regulations prescribed by the Sec-  
20 retary of Homeland Security, in consultation  
21 with the Secretary of Labor.

22 “(B) NATIONAL INTEREST OCCUPATION OR  
23 SHORTAGE SERVICE.—

24 “(i) NATIONAL INTEREST OCCUPA-  
25 TION.—The alien has a bona fide offer of

1 employment in a National Interest Occupa-  
2 tion for which he or she will receive a sal-  
3 ary that is at or above the 75th percentile  
4 salary for the relevant occupation code and  
5 area of intended employment.

6 “(ii) SHORTAGE POSITION.—The alien  
7 has committed to provide full-time service  
8 for a period of not fewer than 5 years in  
9 a federally designated medical, mental-  
10 health, dental, veterans, or other statu-  
11 torily designated shortage position, in ac-  
12 cordance with regulations prescribed by the  
13 Secretary of Homeland Security, in con-  
14 sultation with the Secretary of Labor.

15 “(C) STRATEGIC FEDERAL SUPPORT.—

16 “(i) IN GENERAL.—The alien has re-  
17 ceived a written certification that—

18 “(I) was executed by—

19 “(aa) the head of a Federal  
20 department or agency designated  
21 under clause (ii); or

22 “(bb) a Senate-confirmed of-  
23 ficer of a Federal department or  
24 agency designated under clause  
25 (ii) who was appointed by the

1 head of such department or agen-  
2 cy to execute certifications under  
3 this clause;

4 “(II) identifies a published na-  
5 tional priority of the United States  
6 that is materially related to the alien’s  
7 proposed work; and

8 “(III) states the alien’s proposed  
9 work materially advances such na-  
10 tional priority.

11 “(ii) DESIGNATED DEPARTMENTS  
12 AND AGENCIES.—The Federal departments  
13 and agencies designated under this clause  
14 are—

15 “(I) the Department of Defense;

16 “(II) the Department of Energy;

17 “(III) the Department of Com-  
18 merce;

19 “(IV) the Department of Health  
20 and Human Services;

21 “(V) the Department of Agri-  
22 culture;

23 “(VI) the Department of Vet-  
24 erans Affairs;



1                   “(ii) Authorship of scholarly articles,  
2                   major published works, patented inven-  
3                   tions, or other original contributions of  
4                   major significance in the field.

5                   “(iii) Evidence that the alien’s work  
6                   has been widely cited, adopted, licensed,  
7                   commercialized, implemented, or otherwise  
8                   materially relied upon by recognized public  
9                   or private entities in the field.

10                   “(iv) Participation, by invitation or  
11                   selection based on expertise, as a judge,  
12                   peer reviewer, evaluator, or member of a  
13                   selection panel for the work of others in  
14                   the same or an allied field.

15                   “(v) Service in a leading or critical ca-  
16                   pacity for an entity with a distinguished  
17                   reputation, supported by objective evidence  
18                   of the significance of the alien’s contribu-  
19                   tions.

20                   “(vi) Commanding compensation, eq-  
21                   uity, or other remuneration demonstrating  
22                   exceptional standing in the field, as estab-  
23                   lished by objective market evidence.

1                   “(E) ENTREPRENEURSHIP AND INNOVA-  
2                   TION.—The alien provides reliable evidence  
3                   that—

4                   “(i) a startup entity in which the alien  
5                   holds a substantial ownership interest and  
6                   central managerial role has received—

7                   “(I) not less than \$500,000 in  
8                   qualified investment from qualified  
9                   United States investors; or

10                   “(II) not less than \$200,000 in  
11                   qualifying Federal, State, or local re-  
12                   search, development, or commer-  
13                   cialization funding;

14                   “(ii) the investment or funding re-  
15                   ferred to in clause (i) is documented by  
16                   binding investment instruments, grant  
17                   award documents, audited capitalization  
18                   records, or such other objective evidence as  
19                   the Secretary of Homeland Security may  
20                   prescribe;

21                   “(iii) such entity has a credible plan  
22                   to create not fewer than 5 full-time jobs  
23                   for workers in the United States during  
24                   the 3-year period beginning on the date on

1                   which the alien is admitted to the United  
2                   States; and

3                   “(iv) the alien’s claim does not rely  
4                   solely on self-valued assets, unaudited in-  
5                   ternal valuations, or unsupported projec-  
6                   tions.

7                   “(4) NATIONAL INTEREST OCCUPATION LIST.—

8                   “(A) IN GENERAL.—The Secretary of  
9                   Homeland Security, in consultation with the  
10                  Secretary of Labor, shall establish and main-  
11                  tain a list of occupations designated as National  
12                  Interest Occupations for purposes of paragraph  
13                  (3)(B)(i).

14                  “(B) STANDARD.—An occupation may be  
15                  included on the list established pursuant to sub-  
16                  paragraph (A) only if the Secretary of Home-  
17                  land Security determines, based on objective  
18                  evidence, that such occupation is associated  
19                  with persistent labor shortages, strategic na-  
20                  tional need, or other circumstances dem-  
21                  onstrating that employment in such occupation  
22                  materially advances the economic, cultural, or  
23                  security interests of the United States.

24                  “(C) PUBLICATION.—The list established  
25                  pursuant to subparagraph (A), and any addi-

1           tions to, or removals from, such list, shall be  
2           published in the Federal Register.

3           “(D) PERIODIC REVIEW.—Not less fre-  
4           quently than once every 4 years, the Secretary  
5           of Homeland Security, in consultation with the  
6           Secretary of Labor, shall—

7                   “(i) review the list established pursu-  
8                   ant to subparagraph (A); and

9                   “(ii) add occupations to, or remove oc-  
10                  cupations from, such list, as appropriate.

11           “(5) PRESUMPTIVE NEGATIVE FACTORS.—Un-  
12           less rebutted under paragraph (7), there is a pre-  
13           sumption that an alien’s request for certification  
14           under paragraph (1) should be denied if any of the  
15           following factors exists:

16                   “(A) SUB-MEDIAN COMPENSATION.—With  
17                   respect to the alien’s most recent employment,  
18                   the alien received compensation that was lower  
19                   than—

20                           “(i) the median wage for the relevant  
21                           occupation code and area of intended em-  
22                           ployment; or

23                           “(ii) the required prevailing wage in  
24                           circumstances where a prevailing wage de-  
25                           termination is required.

1           “(B) LIMITED ENGLISH PROFICIENCY.—  
2           The alien’s English proficiency is at a level that  
3           is lower than English level B1 on the Common  
4           European Framework of Reference scale, or its  
5           equivalent, unless the alien meets the criteria  
6           described in subparagraph (C) or (D) of para-  
7           graph (3) or another exception prescribed by  
8           regulation.

9           “(C) SERIOUS EMPLOYER LABOR NON-  
10          COMPLIANCE.—There has been a final order of  
11          debarment or other final determination of seri-  
12          ous labor law noncompliance during the 5-year  
13          period immediately preceding a request for cer-  
14          tification under paragraph (1) against the peti-  
15          tioning employer or startup entity.

16          “(D) INSUFFICIENT SHOWING OF SELF-  
17          SUFFICIENCY.—The alien fails to establish,  
18          through objective evidence, the present ability  
19          and prospective capacity to support himself or  
20          herself in the United States without reliance on  
21          means-tested public benefits.

22          “(6) GROUNDS OF INADMISSIBILITY.—The Sec-  
23          retary of Homeland Security may not grant a certifi-  
24          cation to any alien who is inadmissible under para-  
25          graph (2), (3), or (6)(C) of section 212(a), unless a

1 waiver to such ground of inadmissibility is available  
2 and granted under this Act.

3 “(7) NOTICE AND REBUTTAL.—Before denying  
4 certification under paragraph (1) on the basis of a  
5 factor described in paragraph (5), the Secretary of  
6 Homeland Security shall—

7 “(A) provide written notice to the peti-  
8 tioner that identifies the applicable presumptive  
9 negative factors; and

10 “(B) provide the alien not fewer than 60  
11 days to submit evidence to rebut such factors.

12 “(8) PRIORITY ORDER WHEN VISA DEMAND EX-  
13 CEEDS SUPPLY.—

14 “(A) IN GENERAL.—If the number of  
15 aliens eligible for certification under this sub-  
16 section in a fiscal year exceeds the number of  
17 visas available under this subsection in such fis-  
18 cal year, the Secretary of Homeland Security  
19 shall prioritize the available visas in the fol-  
20 lowing order:

21 “(i) Aliens who meet a factor de-  
22 scribed in subparagraph (C) or (D) of  
23 paragraph (3).

24 “(ii) Aliens who meet a factor de-  
25 scribed in paragraph (3)(B).

1                   “(iii) Aliens who meet a factor de-  
2                   scribed in paragraph (3)(A).

3                   “(iv) Aliens who meet a factor de-  
4                   scribed in paragraph (3)(E).

5                   “(B) PRIORITY ORDER WITHIN A SUB-  
6                   GROUP.—If the number of aliens described in  
7                   any clause under subparagraph (A) in a fiscal  
8                   year exceeds the number of visas available for  
9                   such aliens in such fiscal year, the Secretary of  
10                  Homeland Security shall prioritize the available  
11                  visas in the following order:

12                   “(i) Aliens who will be receiving a sal-  
13                   ary or generating self-employment income  
14                   at a higher applicable wage percentile.

15                   “(ii) Earliest priority date.

16                  “(9) RULEMAKING.—Not later than 180 days  
17                  after the date of the enactment of the ASSIMILA-  
18                  TION Act, the Secretary of Homeland Security shall  
19                  prescribe regulations to carry out this subsection, in-  
20                  cluding rules for—

21                   “(A) occupational wage mapping;

22                   “(B) English-equivalency standards;

23                   “(C) qualified investment requirements;

24                   “(D) employer noncompliance penalties;

25                  and

1                   “(E) self-sufficiency requirements.

2                   “(10) DERIVATIVE ALIENS.—A spouse or child  
3 described in section 203(d) who is accompanying or  
4 following to join a principal alien granted a visa  
5 under this subsection shall be entitled to the same  
6 status and the same order of consideration as such  
7 principal alien.”.

8 **SEC. 204. H-1B REFORMS.**

9           (a) LABOR CONDITION REQUIREMENTS.—Section  
10 212(n) of the Immigration and Nationality Act (8 U.S.C.  
11 1182(n)) is amended by adding at the end the following:

12                   “(6)(A) No application under this subsection  
13 may be approved unless the employer attests, and  
14 the Secretary concurs, that the wage level for the  
15 position to be filled by the H-1B nonimmigrant is  
16 not less than 200 percent of the median wage for  
17 the occupational classification code in the area of in-  
18 tended employment.

19                   “(B) The Secretary of Homeland Security, to  
20 the maximum extent practicable and consistent with  
21 this Act, shall prioritize petitions filed on behalf of  
22 aliens who have earned a degree in science, tech-  
23 nology, engineering, or mathematics from an institu-  
24 tion of higher education in the United States.”.

1 (b) NUMERICAL LIMITATION AND PERIOD OF ADMIS-  
2 SION.—Section 214(g) of the Immigration and Nationality  
3 Act (8 U.S.C. 1184(g)) is amended—

4 (1) by striking paragraphs (5) and (6) and in-  
5 serting the following:

6 “(5) The numerical limitations under paragraph  
7 (1)(A) shall not apply to a petition filed on behalf of an  
8 alien employed, or to be employed, by an institution or  
9 organization if the Secretary of Homeland Security deter-  
10 mines such employment affirmatively serves the economic,  
11 cultural, or security interests of the United States, as de-  
12 scribed in section 101(h).

13 “(6) An alien previously approved pursuant to para-  
14 graph (5) shall be counted toward the numerical limita-  
15 tions under paragraph (1)(A) upon the first approval of  
16 a petition filed by an employer that does not qualify under  
17 paragraph (5) unless the alien has previously been counted  
18 toward such limitations.”; and

19 (2) by adding at the end the following:

20 “(12)(A) Notwithstanding any other provision of this  
21 subsection, the total number of aliens who may be issued  
22 visas or otherwise provided status as nonimmigrants under  
23 section 101(a)(15)(H)(i)(b) in any fiscal year may not ex-  
24 ceed 50,000.

1           “(B) An alien may not be accorded status under sec-  
2 tion 101(a)(15)(H)(i)(b) for a period exceeding 3 years.  
3 Such status may not be extended or renewed.

4           “(C) An alien who has been granted status as a non-  
5 immigrant under section 101(a)(15)(H)(i)(b) may not ad-  
6 just his or her status to that of an alien lawfully admitted  
7 for permanent residence unless the alien remains outside  
8 of the United States for a continuous period of not less  
9 than 2 years following the expiration of such status.”.

10 **SEC. 205. OPTIONAL PRACTICAL TRAINING.**

11           Section 274A(h) of the Immigration and Nationality  
12 Act (8 U.S.C. 1324a(h)) is amended by adding at the end  
13 the following:

14                   “(4) An alien admitted as a nonimmigrant de-  
15 scribed in section 101(a)(15)(F)(i) shall not be con-  
16 sidered authorized to be employed in the United  
17 States.”.

18 **SEC. 206. PER COUNTRY LIMITATIONS.**

19           Section 202 of the Immigration and Nationality Act  
20 (8 U.S.C. 1152) is amended—

21                   (1) in subsection (a)—

22                           (A) in paragraph (2), by striking “Subject  
23 to paragraphs (3), (4), and (5), the” and in-  
24 serting “The”; and

1 (B) by striking paragraphs (3), (4), and  
2 (5); and

3 (2) by amending subsection (e) to read as fol-  
4 lows:

5 “(e) ALLOCATION OF VISA NUMBERS FOR COUN-  
6 TRIES AT PER COUNTRY CEILING.—

7 “(1) IN GENERAL.—If the Secretary of State  
8 determines the total number of immigrant visas  
9 made available under subsections (a) and (b) of sec-  
10 tion 203 to natives of a single foreign state or de-  
11 pendent area will exceed the numerical limitation  
12 specified in subsection (a)(2) in a fiscal year, immi-  
13 grant visa numbers for natives of that foreign state  
14 or dependent area shall be allocated in accordance  
15 with paragraph (2).

16 “(2) ALLOCATION BETWEEN FAMILY-SPON-  
17 SORED AND EMPLOYMENT-BASED IMMIGRANTS.—

18 The total number of immigrant visa described in  
19 paragraph (1) shall be allocated, to the extent prac-  
20 ticable and consistent with this section and section  
21 203, in a manner so that the ratio of the number  
22 of visas made available under section 203(a) to the  
23 number of visas made available under section 203(b)  
24 is equal to the ratio of the worldwide level of family-  
25 sponsored immigrants under section 201(c) to the

1 worldwide level of employment-based immigrants  
2 under section 201(d).”.

3 **TITLE III—ADMISSION, INADMIS-**  
4 **SIBILITY, SPONSORSHIP, AND**  
5 **ADMINISTRATIVE AUTHORITY**

6 **SEC. 301. PUBLIC CHARGE.**

7 (a) INADMISSIBILITY.—Section 212(a)(4) of the Im-  
8 migration and Nationality Act (8 U.S.C. 1182(a)(4)) is  
9 amended—

10 (1) by amending subparagraph (A) to read as  
11 follows:

12 “(A) IN GENERAL.—Any alien who, in the  
13 opinion of the consular officer at the time of  
14 application for a visa, or in the opinion of the  
15 Secretary of Homeland Security at the time of  
16 application for admission or adjustment of sta-  
17 tus, and based on objective evidence and the to-  
18 tality of the circumstances described in sub-  
19 paragraph (B), fails to establish the present  
20 ability and prospective capacity to support the  
21 alien and the alien’s dependents in the United  
22 States without reliance on means-tested public  
23 benefits is inadmissible.”;

24 (2) by amending subparagraph (B) to read as  
25 follows:



1 (3) by adding at the end the following:

2 “(F) PRESUMPTION FROM BENEFIT DE-  
3 PENDENCY.—

4 “(i) IN GENERAL.—An alien who is  
5 subject to this paragraph shall be pre-  
6 sumed to have become a public charge if  
7 the alien receives one or more means-tested  
8 public benefits for more than 12 months in  
9 the aggregate within any 36-month period,  
10 such that receipt of two benefits in one  
11 month shall count as two months.

12 “(ii) REBUTTAL.—The presumption  
13 under clause (i) may be rebutted only  
14 through objective evidence establishing  
15 that the receipt of benefits—

16 “(I) was directly attributable to  
17 circumstances that arose after the  
18 alien’s admission or adjustment of  
19 status;

20 “(II) was not reasonably foresee-  
21 able at the time of such admission or  
22 adjustment; and

23 “(III) is not indicative of a  
24 present inability or prospective inca-

1                    capacity to remain self-sufficient in the  
2                    United States.

3                    “(iii) RULE OF CONSTRUCTION.—  
4                    Nothing in this subparagraph may be con-  
5                    strued to limit the authority of the con-  
6                    sular officer or the Secretary of Homeland  
7                    Security to determine, under the totality of  
8                    the circumstances, that an alien is inad-  
9                    missible under this paragraph, notwith-  
10                    standing that the alien has not received  
11                    benefits in the amount or duration de-  
12                    scribed in clause (i).”.

13                    (b) DEPORTABILITY.—Paragraph (5) of section  
14 237(a) of such Act (8 U.S.C. 1227(a)) is amended to read  
15 as follows:

16                    “(5) PUBLIC CHARGE.—Any alien who, at any  
17                    time after the date of admission as an immigrant or  
18                    adjustment of status to that of an alien lawfully ad-  
19                    mitted for permanent residence, has become a public  
20                    charge, including any alien subject to section  
21                    212(a)(4) who meets the presumption described in  
22                    section 212(a)(4)(F), is deportable, unless the alien  
23                    establishes, through objective evidence, that the  
24                    cause arose after such admission or adjustment from

1           circumstances that were not reasonably foreseeable  
2           at the time of such admission or adjustment.”.

3           (c) RESCISSION OF ADJUSTMENT OF STATUS.—Sec-  
4           tion 246(a) of such Act (8 U.S.C. 1256(a)) is amended  
5           by inserting after the first sentence the following: “For  
6           purposes of the preceding sentence, a person shall be con-  
7           sidered not to have been in fact eligible for adjustment  
8           of status if, at any time after the date of adjustment, the  
9           person meets the presumption described in section  
10          212(a)(4)(F), unless the person establishes, through ob-  
11          jective evidence, that the cause arose after adjustment  
12          from circumstances that were not reasonably foreseeable  
13          at the time of adjustment.”.

14          (d) SAVINGS PROVISION.—Nothing in the amend-  
15          ments made by this section may be construed to repeal  
16          or narrow any exemption from section 212(a)(4) of the  
17          Immigration and Nationality Act (8 U.S.C. 1182(a)(4))  
18          that is expressly provided elsewhere in such Act or in any  
19          other Act of Congress.

20          (e) RULEMAKING.—Not later than 180 days after the  
21          date of the enactment of this Act, the Secretary of Home-  
22          land Security, in consultation with the Secretary of State  
23          and the Secretary of Health and Human Services, shall  
24          prescribe regulations to carry out this section and the  
25          amendments made by this section.

1 **SEC. 302. AFFIDAVITS OF SUPPORT AND SPONSOR FINAN-**  
2 **CIAL REQUIREMENTS.**

3 Section 213A of the Immigration and Nationality Act  
4 (8 U.S.C. 1183a) is amended—

5 (1) in subsection (a)(1)—

6 (A) in subparagraph (A), by striking “125  
7 percent” and inserting “200 percent”; and

8 (B) in subparagraph (B), by striking “(as  
9 defined in subsection (e))”;

10 (2) in subsection (b)—

11 (A) in paragraph (1)(A), by striking  
12 “Upon notification that a sponsored alien has  
13 received any means-tested public benefit” and  
14 inserting “Not later than 30 days after receiv-  
15 ing notice or other reliable evidence that a  
16 sponsored alien has received any means-tested  
17 public benefit”; and

18 (B) in paragraph (2)(A), by striking “45  
19 days” and inserting “30 days”;

20 (3) in subsection (c), in the second sentence, by  
21 inserting “, including administrative offset under  
22 section 3716 of such title and any lien authorized  
23 under subsection (g)” before the period at the end;

24 (4) in subsection (f)—

25 (A) in paragraph (1)(E), by striking “125  
26 percent” and inserting “200 percent”;

1 (B) in paragraph (4)(B)(i), by striking  
2 “125 percent” and inserting “200 percent”;  
3 and

4 (C) in paragraph (5)(A), by striking “125  
5 percent” and inserting “200 percent”;

6 (5) by inserting after subsection (f) the fol-  
7 lowing:

8 “(g) SPONSOR BOND AND LIENS.—

9 “(1) BOND REQUIRED.—An affidavit of support  
10 accepted under this section shall not be considered  
11 sufficient unless each sponsor and joint sponsor  
12 whose income or assets are relied upon to satisfy  
13 subsection (f) has posted, with respect to each spon-  
14 sored alien, a bond or other surety satisfactory to  
15 the Secretary of Homeland Security in an amount  
16 not less than \$20,000.

17 “(2) CONDITIONS.—A bond under paragraph  
18 (1) shall be conditioned on—

19 “(A) compliance with the sponsor’s support  
20 obligations under subsection (a);

21 “(B) reimbursement of any means-tested  
22 public benefit described in subsection (b); and

23 “(C) payment of any civil penalty or collec-  
24 tion cost lawfully assessed under this section.

25 “(3) PERIOD OF EFFECTIVENESS.—

1           “(A) IN GENERAL.—Subject to subpara-  
2 graph (B), a bond under paragraph (1) shall  
3 remain in effect until the earlier of—

4           “(i) the date that is 10 years after the  
5 date of the sponsored alien’s admission or  
6 adjustment of status;

7           “(ii) that date of the sponsored alien’s  
8 naturalization as a citizen of the United  
9 States;

10           “(iii) the date of the sponsored alien’s  
11 death; or

12           “(iv) the date of the sponsored alien’s  
13 permanent departure from the United  
14 States.

15           “(B) TREATMENT OF LIABILITIES IN-  
16 CURRED.—Liability incurred before the termi-  
17 nation date under subparagraph (A) shall re-  
18 main enforceable until satisfied.

19           “(4) FORFEITURE.—If a sponsor fails to reim-  
20 burse amounts due under subsection (b) within 30  
21 days after a final written demand, the Secretary of  
22 Homeland Security or the requesting governmental  
23 entity may declare the bond forfeited in an amount  
24 sufficient to satisfy the unpaid obligation, together

1 with interest, administrative costs, and costs of col-  
2 lection.

3 “(5) LIENS.—Any amount finally determined  
4 and unpaid under this section shall constitute a debt  
5 due the United States. Upon notice and opportunity  
6 for a hearing, the United States may record a lien  
7 in favor of the United States on all property and  
8 rights to property, whether real or personal, of the  
9 sponsor, and may enforce such debt under sub-  
10 section (c) and subchapter II of chapter 37 of title  
11 31, United States Code.

12 “(6) REGULATIONS.—The Secretary of Home-  
13 land Security, in consultation with the Secretary of  
14 State and the Secretary of the Treasury, shall pre-  
15 scribe regulations governing bond form, surety, for-  
16 feiture, lien notice, hearing rights, and release.”; and

17 (6) in subsection (i)—

18 (A) in paragraph (2), by striking “Attor-  
19 ney General” and inserting “Secretary of  
20 Homeland Security”; and

21 (B) in paragraph (3)—

22 (i) in the matter preceding subpara-  
23 graph (A), by striking “Attorney General”  
24 and inserting “Secretary of Homeland Se-  
25 curity”;

1 (ii) in subparagraph (A), by striking  
2 “; and” and inserting a semicolon;

3 (iii) in subparagraph (B), by striking  
4 the period at the end and inserting a semi-  
5 colon; and

6 (iv) by adding at the end the fol-  
7 lowing:

8 “(C) the number of reimbursement re-  
9 quests issued under subsection (b)(1)(A), the  
10 number of actions brought under subsection  
11 (b)(2), the number of bond forfeitures under  
12 subsection (g), and the total dollar amount re-  
13 covered under this section during such fiscal  
14 year.”.

15 **SEC. 303. VISA OVERSTAYS.**

16 (a) VOIDING NONIMMIGRANT VISAS THAT HAVE EX-  
17 PIRED OR FOR NONCOMPLIANCE.—Section 222(g) of the  
18 Immigration and Nationality Act (8 U.S.C. 1202(g)) is  
19 amended to read as follows:

20 “(g)(1) The nonimmigrant visa of an alien who has  
21 been admitted to the United States shall be void beginning  
22 on the date (excluding any period tolled under section  
23 212(a)(9)(B)(iv)) that is 10 days after—

24 “(A) the last day of such alien’s authorized pe-  
25 riod of stay under such visa; or

1           “(B) the date on which U.S. Immigration and  
2 Customs Enforcement determines such alien—

3           “(i) has materially failed to maintain the  
4 nonimmigrant status in which such alien was  
5 admitted or to which it was changed under sec-  
6 tion 248; or

7           “(ii) has materially fails to comply with the  
8 conditions of such status.

9           “(2) An alien described in paragraph (1) shall be in-  
10 eligible to be readmitted to the United States as a non-  
11 immigrant, except—

12           “(A) on the basis of a visa (other than the visa  
13 described in paragraph (1)) issued in a consular of-  
14 fice located in the country of the alien’s nationality  
15 (or, if there is no office in such country, in such  
16 other consular office as the Secretary of State shall  
17 specify); or

18           “(B) if the Secretary of State determines the  
19 existence of extraordinary circumstances justifying  
20 such readmission.

21           “(3) The provisions of this subsection are in addition  
22 to, and not in lieu of, any ground of inadmissibility or  
23 deportability or any criminal or civil penalty otherwise pro-  
24 vided by law.”.

1 (b) OVERSTAY OFFENSE AND PENALTIES.—Section  
2 275 of the Immigration and Nationality Act (8 U.S.C.  
3 1325) is amended—

4 (1) in subsection (a), by inserting “or if the  
5 alien was previously convicted of an offense under  
6 subsection (e)(2)(A)” after “for a subsequent com-  
7 mission of any such offense”;

8 (2) in subsection (b)—

9 (A) in paragraph (1), by striking “at least  
10 \$50 and not more than \$250” and inserting  
11 “not less than \$500 and not more than  
12 \$1,000”; and

13 (B) in paragraph (2), by inserting “or sub-  
14 section (e)(2)(B)” after “under this sub-  
15 section”; and

16 (3) by adding at the end the following:

17 “(e)(1) An alien who was admitted as a non-  
18 immigrant violates this subsection if the alien, for an ag-  
19 gregate of 10 days or more (excluding any period tolled  
20 under section 212(a)(9)(B)(iv))—

21 “(A) remains in the United States beyond the  
22 period of stay authorized by the Secretary of Home-  
23 land Security; or

24 “(B) materially fails to maintain the non-  
25 immigrant status in which the alien was admitted or

1 to which it was changed under section 248, or mate-  
2 rially fails otherwise to comply with the conditions of  
3 such status.

4 “(2) An alien who violates paragraph (1)—

5 “(A) shall—

6 “(i) for the first commission of such viola-  
7 tion, be fined under title 18, United States  
8 Code, imprisoned for not more than 6 months,  
9 or both; and

10 “(ii) for a subsequent commission of such  
11 violation, or if the alien was previously con-  
12 victed of an offense under subsection (a), be  
13 fined under such title 18, imprisoned not more  
14 than 2 years, or both; and

15 “(B) in addition to any penalty assessed under  
16 subparagraph (A) and any other criminal or civil  
17 penalties that otherwise may be imposed, shall be  
18 subject to a civil penalty of—

19 “(i) not less than \$500 and not more than  
20 \$1,000 for each violation; or

21 “(ii) twice the amount specified in clause  
22 (i), in the case of an alien who has been pre-  
23 viously subject to a civil penalty under this sub-  
24 paragraph or subsection (b).”.

1 **SEC. 304. PAROLE.**

2 Section 212(d)(5) of the Immigration and Nationality  
3 Act (8 U.S.C. 1182(d)(5)) is amended—

4 (1) by striking “(5)(A) The Secretary” and all  
5 that follows through the period at the end of sub-  
6 paragraph (A) and inserting the following:

7 “(5)(A)(i) The Secretary of Homeland Security may,  
8 except as provided in subparagraph (B) or in section  
9 214(f), in the discretion of the Secretary, parole into the  
10 United States temporarily, for a period not to exceed 90  
11 days and under such conditions as the Secretary may pre-  
12 scribe, only on a case-by-case basis for urgent humani-  
13 tarian reasons or significant public benefit, as set forth  
14 in a written determination, any alien applying for admis-  
15 sion to the United States.

16 “(ii) Parole of an alien under clause (i) shall not be  
17 regarded as an admission of the alien, and when the pur-  
18 poses of such parole have been served, the alien shall  
19 forthwith return or be returned to the custody from which  
20 the alien was paroled, and thereafter the alien’s case shall  
21 continue to be dealt with in the same manner as that of  
22 any other applicant for admission to the United States.”;  
23 and

24 (2) by adding at the end the following:

25 “(D) NO EXTENSION ABSENT ACT OF CON-  
26 GRESS.—Parole granted under subparagraph (A)(i)

1 may not be extended, renewed, or granted again be-  
2 yond an aggregate period of 90 days unless an Act  
3 of Congress expressly authorizes such longer period.

4 “(E) NO CATEGORICAL OR PROGRAMMATIC PA-  
5 ROLE.—Parole under subparagraph (A)(i) may not  
6 be granted on a categorical, class-wide, or pro-  
7 grammatic basis, and may not be used to circumvent  
8 any numerical limitation, refugee admission process  
9 under section 207, labor certification requirement,  
10 or other limitation or requirement under this Act.

11 “(F) RECORD RETENTION.—The Secretary of  
12 Homeland Security shall retain each written deter-  
13 mination under subparagraph (A)(i) for not less  
14 than 10 years.”.

15 **SEC. 305. LIMITATIONS ON ENFORCEMENT DISCRETION.**

16 Section 103 of the Immigration and Nationality Act  
17 (8 U.S.C. 1103) is amended by adding at the end the fol-  
18 lowing:

19 “(h) LIMITATIONS ON ENFORCEMENT DISCRE-  
20 TION.—

21 “(1) NO CATEGORICAL NONENFORCEMENT.—  
22 Except as expressly authorized by this Act or by any  
23 other Act of Congress, the Secretary of Homeland  
24 Security and the Attorney General may not adopt,  
25 implement, or rely upon a policy, memorandum,

1 rule, order, or program that prospectively exempts  
2 or purports to exempt a class or category of aliens  
3 from inspection, apprehension, detention, initiation  
4 of removal proceedings, adjudication of removability,  
5 or execution of final orders of removal.

6 “(2) NO CATEGORICAL DEFERRED ACTION OR  
7 SIMILAR NONENFORCEMENT STATUS.—Except as ex-  
8 pressly authorized by this Act or by any other Act  
9 of Congress, the Secretary of Homeland Security  
10 and the Attorney General may not grant deferred  
11 action or any similar form of categorical nonenforce-  
12 ment status to a class or category of aliens.

13 “(3) CASE-BY-CASE DEFERRALS.—Nothing in  
14 this subsection may be construed to preclude an in-  
15 dividualized decision, supported by a written deter-  
16 mination, to defer a specific enforcement action for  
17 a period not to exceed 180 days, which may be re-  
18 newed only upon a new written determination, on  
19 the basis of—

20 “(A) a serious medical emergency;

21 “(B) the alien’s material assistance as a  
22 witness, victim, or informant in a criminal, civil,  
23 or administrative investigation or proceeding;

24 “(C) a compelling national security or law  
25 enforcement interest; or

1           “(D) another compelling humanitarian cir-  
2           cumstance of comparable gravity specifically de-  
3           scribed in the written determination.

4           “(4) NO IMMIGRATION STATUS OR BENEFIT  
5           CREATED.—A deferral granted pursuant to para-  
6           graph (3)—

7           “(A) does not constitute an admission, pa-  
8           role, or lawful status of an alien; and

9           “(B) may not serve as the basis for em-  
10          ployment authorization, advance parole, adjust-  
11          ment of status, or eligibility for any Federal  
12          public benefit, unless expressly authorized by  
13          this Act or by any other Act of Congress.

14          “(5) OPERATIONAL SEQUENCING.—Nothing in  
15          this subsection may be construed as prohibiting ordi-  
16          nary case-specific decisions regarding sequencing,  
17          scheduling, or resource allocation if such decisions  
18          do not amount violated the categorical nonenforce-  
19          ment prohibition described in paragraph (1).”.

## 20           **TITLE IV—NATURALIZATION** 21           **AND CITIZENSHIP**

### 22           **SEC. 401. GOOD MORAL CHARACTER.**

23           (a) EXPANDED STATUTORY BARS.—Section 101(f)  
24           of the Immigration and Nationality Act (8 U.S.C.  
25           1101(f)) is amended—

1           (1) in paragraph (8), by striking “or” at the  
2           end;

3           (2) in paragraph (9), by striking the period at  
4           the end and inserting “; or”; and

5           (3) by inserting after paragraph (9) the fol-  
6           lowing:

7           “(10) one who has been convicted of any felony  
8           under Federal, State, or local law;

9           “(11) during the period for which good moral  
10          character is required to be established, one who has  
11          been convicted of 1 or more misdemeanors under  
12          Federal, State, or local law;

13          “(12) one who has been found, by a final ad-  
14          ministrative or judicial determination, to have vio-  
15          lated this Act or any of the immigration laws, in-  
16          cluding by failing to maintain lawful status or by  
17          overstaying a period of authorized admission by  
18          more than 180 days;

19          “(13) one who has engaged in fraud or willful  
20          misrepresentation in applying for, obtaining, or re-  
21          taining any Federal, State, or local public benefit;

22          “(14) one who is described in section 212(a)(3)  
23          or 237(a)(4), or who has knowingly participated in  
24          a criminal street gang (as defined in section 521(a)

1 of title 18, United States Code), as established by  
2 clear and convincing evidence;

3 “(15) during such period, one who has been  
4 convicted of an offense involving the operation of a  
5 motor vehicle while under the influence of alcohol or  
6 drugs, or an offense described in section  
7 237(a)(2)(E); or

8 “(16) one who has willfully failed to satisfy a  
9 Federal tax liability or a legally enforceable child-  
10 support obligation, as established by a final adminis-  
11 trative or judicial determination.”.

12 (b) TOTALITY OF CIRCUMSTANCES IN NATURALIZA-  
13 TION CASES.—Section 316(e) of such Act (8 U.S.C.  
14 1427(e)) is amended—

15 (1) by striking “(e) In determining” and insert-  
16 ing the following:

17 “(e) GOOD MORAL CHARACTER DETERMINATION.—

18 “(1) IN GENERAL.—In determining”; and

19 (2) by adding at the end the following:

20 “(2) CONSIDERATIONS.—In making such deter-  
21 mination, the Secretary of Homeland Security may  
22 consider the totality of the circumstances, including  
23 criminal history, employment history, tax compli-  
24 ance, compliance with support obligations, and civic

1           conduct, and may require objective documentary evi-  
2           dence of such matters.”.

3   **SEC. 402. NATURALIZATION.**

4           (a) **ENGLISH REQUIREMENT.**—Section 312 of the  
5 Immigration and Nationality Act (8 U.S.C. 1423) is  
6 amended—

7                 (1) in subsection (a), by striking paragraph (1)  
8                 and inserting the following:

9                         “(1) an understanding of the English language,  
10                         including the ability to read, write, speak, and com-  
11                         prehend English at a proficiency level not lower than  
12                         B2 of the Common European Framework of Ref-  
13                         erence for Languages, or an equivalent standard  
14                         prescribed by regulation; and”;

15                 (2) in subsection (b)—

16                         (A) by striking paragraphs (2) and (3);

17                         and

18                         (B) in paragraph (1), by striking “(1) The  
19                         requirements” and inserting “The require-  
20                         ments”.

21           (b) **GENERAL RESIDENCE PERIOD AND OTHER**  
22 **QUALIFICATIONS.**—Section 316(a) of such Act (8 U.S.C.  
23 1427(a)) is amended—

24                 (1) by striking “applicant,” and inserting “ap-  
25                 plicant—”;

1           (2) by striking “(1) immediately” and inserting  
2           the following:

3           “(1) immediately”;

4           (3) in paragraph (1)—

5                 (A) by striking “five years” each place  
6                 such term appears and inserting “10 years”;  
7                 and

8                 (B) by striking “three months,” and in-  
9                 serting “3 months;”;

10          (4) in paragraph (2)—

11                 (A) by striking “(2) has resided” and in-  
12                 serting the following:

13                 “(2) has resided”;

14                 (B) by striking “, and” and inserting a  
15                 semicolon;

16          (5) in paragraph (3)—

17                 (A) by striking “(3) during” and inserting  
18                 the following:

19                 “(4) during”; and

20                 (B) by striking the period at the end and  
21                 inserting “; and”; and

22          (6) by adding at the end the following:

23                 “(4) during the 10-year period immediately pre-  
24                 ceding the date of filing an application for natu-  
25                 ralization, has complied with all Federal tax filing

1 and payment obligations, or is in full compliance  
2 with an approved payment arrangement;

3 “(5) during such period, has not received a  
4 means-tested public benefit, except as expressly ex-  
5 empted under section 101(a)(54); and

6 “(6) has demonstrated civic integration through  
7 objective evidence prescribed by regulation, which  
8 may include compliance with registration require-  
9 ments under the Military Selective Service Act, as  
10 applicable, and verified civic participation or commu-  
11 nity service.”.

12 (c) SPOUSES OF CITIZENS.—Section 319(a) of such  
13 Act (8 U.S.C. 1430(a)) is amended by striking “three  
14 years” each place such term appears and inserting “10  
15 years”.

16 (d) APPLICATION EVIDENCE.—Section 334(a) of  
17 such Act (8 U.S.C. 1445(a)) is amended by adding at the  
18 end the following: “An application for naturalization shall  
19 include official Federal tax return transcripts, or such  
20 other official tax records as the Secretary of Homeland  
21 Security may prescribe, for each taxable year within the  
22 period for which continuous residence and good moral  
23 character must be established, together with such addi-  
24 tional objective evidence as the Secretary may require to  
25 establish compliance with sections 312 and 316.”.

1 **SEC. 403. DOCUMENTATION OF CITIZENSHIP AT BIRTH.**

2 (a) CLARIFICATION OF CITIZENSHIP AT BIRTH.—

3 Section 301 of the Immigration and Nationality Act (8  
4 U.S.C. 1401) is amended by adding at the end the fol-  
5 lowing:

6 “(i) For purposes of subsection (a), a person born  
7 in the United States shall be considered ‘subject to the  
8 jurisdiction thereof’ only if, at the time of the person’s  
9 birth, at least 1 parent of the person was—

10 “(1) a citizen or national of the United States;

11 or

12 “(2) an alien lawfully admitted for permanent  
13 residence.

14 “(j) For purposes of any Federal right, privilege, doc-  
15 umentation, or benefit for which citizenship under sub-  
16 section (a) is material, proof of birth in the United States  
17 shall not, standing alone, be conclusive evidence of citizen-  
18 ship unless accompanied by objective evidence, as pre-  
19 scribed by regulation, that the person satisfies subsection  
20 (i).”.

21 (b) CERTIFICATE OF CITIZENSHIP.—Section 341(a)  
22 of such Act (8 U.S.C. 1452(a)) is amended—

23 (1) in the first sentence, by inserting “, or who  
24 claims to be a citizen of the United States by virtue  
25 of subsection (a) of section 301, as qualified by sub-

1 section (i) of such section,” after “under the provi-  
2 sions of section 303 of this title”; and

3 (2) in the second sentence, by striking “that the  
4 applicant’s alleged citizenship was derived as  
5 claimed, or acquired, as the case may be,” and in-  
6 serting “that the applicant’s alleged citizenship was  
7 derived, acquired, or established, as the case may be,  
8 under the provision of law claimed,”.

9 (c) REGULATIONS.—Not later than 180 days after  
10 the date of the enactment of this Act, the Secretary of  
11 State and the Secretary of Homeland Security shall jointly  
12 prescribe regulations to carry out the amendments made  
13 by this section, including regulations governing objective  
14 evidence of parental citizenship, nationality, or lawful per-  
15 manent resident status at the time of birth.

16 **TITLE V—ASYLUM, INSPECTION,**  
17 **DETENTION, AND UNACCOM-**  
18 **PANIED ALIEN CHILDREN**

19 **SEC. 501. ASYLUM.**

20 (a) SAFE THIRD COUNTRY AND TRANSIT BAR.—Sec-  
21 tion 208(a)(2)(A) of the Immigration and Nationality Act  
22 (8 U.S.C. 1158(a)(2)(A)) is amended—

23 (1) by striking “if the Attorney General deter-  
24 mines” and inserting “if the Secretary of Homeland  
25 Security or the Attorney General determines—”;

1           (2) by striking “that the alien may be removed”  
2           and inserting the following:

3                     “(i) that the alien may be removed”;

4           (3) by striking “, pursuant to a bilateral or  
5           multilateral agreement, to” and inserting “to”;

6           (4) by inserting “or the Secretary of Homeland  
7           Security, on a case-by-case basis,” before “finds  
8           that”;

9           (5) by striking the period at the end and insert-  
10          ing “; or”; and

11          (6) by adding at the end the following:

12                     “(ii) that the alien entered, attempted  
13                     to enter, or arrived in the United States  
14                     after transiting through at least 1 country  
15                     outside of the alien’s country of citizen-  
16                     ship, nationality, or last lawful habitual  
17                     residence en route to the United States,  
18                     unless—

19                     “(I) the alien demonstrates that  
20                     the alien applied for protection from  
21                     persecution or torture in at least 1  
22                     country outside of the alien’s country  
23                     of citizenship, nationality, or last law-  
24                     ful habitual residence through which  
25                     the alien transited en route to the

1 United States and received a final  
2 judgment denying such protection in  
3 each such country;

4 “(II) the alien demonstrates that  
5 the alien was a victim of a severe  
6 form of trafficking in persons and, as  
7 a result of such trafficking, was un-  
8 able to apply for protection from per-  
9 secution or torture in each country  
10 through which the alien transited en  
11 route to the United States; or

12 “(III) the only countries through  
13 which the alien transited en route to  
14 the United States were, at the time of  
15 transit, not parties to the 1951  
16 United Nations Convention relating to  
17 the Status of Refugees, the 1967 Pro-  
18 tocol Relating to the Status of Refu-  
19 gees, or the United Nations Conven-  
20 tion against Torture and Other Cruel,  
21 Inhuman or Degrading Treatment or  
22 Punishment.”.

23 (b) PENDING EMPLOYMENT AUTHORIZATION.—Sec-  
24 tion 208(d)(2) of such Act (8 U.S.C. 1158(d)(2)) is  
25 amended to read as follows:

1           “(2) EMPLOYMENT.—An applicant for asylum  
2           is not entitled to employment authorization, and em-  
3           ployment authorization may not be granted solely on  
4           the basis of a pending application for asylum under  
5           this section.”.

6           (c) ASYLUM FILING FEE.—Section 208(d)(3) of such  
7 Act (8 U.S.C. 1158(d)(3)) is amended to read as follows:

8           “(3) FEES.—The fee for filing an application  
9           for asylum under this section shall be \$500. The At-  
10          torney General shall impose fees for employment au-  
11          thorization under this section and for adjustment of  
12          status under section 209(b). Nothing in this para-  
13          graph shall be construed to limit the authority of the  
14          Attorney General to set additional adjudication and  
15          naturalization fees in accordance with section  
16          286(m).”.

17          (d) CONFORMING AMENDMENT RELATING TO UNAC-  
18 COMPANIED ALIEN CHILDREN.—Section 208(a)(2)(E) of  
19 such Act (8 U.S.C. 1158(a)(2)(E)) is amended by striking  
20 “Subparagraphs (A) and (B)” and inserting “Subpara-  
21 graph (B)”.

22          (e) JURISDICTION OF ASYLUM APPLICATIONS FILED  
23 BY UNACCOMPANIED ALIEN CHILDREN.—Section  
24 208(b)(3) of such Act (8 U.S.C. 1158(b)(3)) is amended  
25 by striking subparagraph (C).

1 (f) ADDITIONAL CONSEQUENCE FOR FRIVOLOUS AP-  
2 PPLICATIONS.—Section 208(d)(6) of such Act (8 U.S.C.  
3 1158(d)(6)) is amended by inserting “, and, if the alien  
4 is ordered removed, may not be admitted to the United  
5 States during the 10-year period beginning on the date  
6 of the alien’s departure or removal” before the period at  
7 the end.

8 **SEC. 502. CREDIBLE FEAR AND EXPEDITED REMOVAL.**

9 (a) HIGHER CREDIBLE FEAR STANDARD.—Section  
10 235(b)(1)(B)(v) of the Immigration and Nationality Act  
11 (8 U.S.C. 1225(b)(1)(B)(v)) is amended to read as fol-  
12 lows:

13 “(v) CREDIBLE FEAR OF PERSECU-  
14 TION DEFINED.—For purposes of this sub-  
15 paragraph, the term ‘credible fear of perse-  
16 cution’ means that, taking into account the  
17 credibility of the statements made by the  
18 alien in support of the alien’s claim, as de-  
19 termined pursuant to section  
20 208(b)(1)(B)(iii), and such other facts as  
21 are known to the officer, the alien more  
22 likely than not could establish eligibility for  
23 asylum under section 208, and, more likely  
24 than not, the statements made by, and on



1                   “(III) require that such check-  
2 lists be routinely updated to reflect  
3 relevant changes in law and procedure  
4 and, at a minimum, require concise  
5 written justifications of the officer’s  
6 decision whether credible fear of per-  
7 secution was or was not established;

8                   “(IV) where practicable, ensure  
9 that any sworn or signed written  
10 statement taken of an alien as part of  
11 the record of a proceeding under sub-  
12 paragraph (A) is accompanied by a  
13 recording of the interview that served  
14 as the basis for that statement;

15                   “(V) ensure that a competent in-  
16 terpreter, not affiliated with the gov-  
17 ernment of the country from which  
18 the alien may claim asylum, is used  
19 when the interviewing officer does not  
20 speak a language understood by the  
21 alien;

22                   “(VI) ensure that there is an  
23 audio or audiovisual recording of  
24 interviews of aliens subject to expe-

1 dited removal under this paragraph;  
2 and

3 “(VII) include any recording  
4 under subclause (VI) in the record of  
5 proceeding, where practicable, and  
6 permit such recording to be consid-  
7 ered in any further proceeding involv-  
8 ing the alien.”.

9 (2) **RULE OF CONSTRUCTION.**—Nothing in this  
10 subsection, or the amendment made by this sub-  
11 section, shall be construed to create any right, ben-  
12 efit, trust, or responsibility, whether substantive or  
13 procedural, enforceable in law or equity by any party  
14 against the United States, its departments, agencies,  
15 instrumentalities, entities, officers, employees, or  
16 agents, or any other person, nor shall such section  
17 or amendment be construed to create any right of  
18 review in any administrative, judicial, or other pro-  
19 ceeding.

20 **SEC. 503. FAMILY DETENTION.**

21 (a) **IN GENERAL.**—Section 235 of the William Wil-  
22 berforce Trafficking Victims Protection Reauthorization  
23 Act of 2008 (8 U.S.C. 1232) is amended by adding at  
24 the end the following:

25 “(j) **CONSTRUCTION.**—

1           “(1) IN GENERAL.—Notwithstanding any other  
2 provision of law, judicial determination, consent de-  
3 cree, or settlement agreement—

4           “(A) the detention of any alien child who  
5 is not an unaccompanied alien child shall be  
6 governed by sections 217, 235, 236, and 241 of  
7 the Immigration and Nationality Act (8 U.S.C.  
8 1187, 1225, 1226, 1231); and

9           “(B) there is no presumption that an alien  
10 child who is not an unaccompanied alien child  
11 should not be detained.

12           “(2) FAMILY DETENTION.—The Secretary of  
13 Homeland Security shall—

14           “(A) maintain the care and custody of any  
15 alien who—

16           “(i) is charged only with a mis-  
17 demeanor offense under section 275(a) of  
18 the Immigration and Nationality Act (8  
19 U.S.C. 1325(a)); and

20           “(ii) entered the United States with  
21 the alien child of such alien, during the pe-  
22 riod during which such charge is pending;  
23 and

24           “(B) detain the alien with the alien child  
25 of such alien.

1           “(3) ALIEN CHILD DEFINED.—The term ‘alien  
2           child’ means an individual who—

3                   “(A) has not attained 18 years of age; and

4                   “(B) is an alien, as that term is defined in  
5           section 101(a) of the Immigration and Nation-  
6           ality Act (8 U.S.C. 1101(a)).”.

7           (b) SENSE OF CONGRESS.—It is the sense of Con-  
8           gress that the amendment made by subsection (a) is in-  
9           tended to satisfy the requirements of the Settlement  
10          Agreement in *Flores v. Meese*, No. 85–4544 (C.D. Cal.),  
11          as approved by the court on January 28, 1997, with re-  
12          spect to its interpretation in *Flores v. Johnson*, 212 F.  
13          Supp. 3d 864 (C.D. Cal. 2015), that the agreement ap-  
14          plies to accompanied minors.

15          (c) PREEMPTION OF STATE LICENSING REQUIRE-  
16          MENTS.—Notwithstanding any other provision of law, ju-  
17          dicial determination, consent decree, or settlement agree-  
18          ment, no State may require that an immigration detention  
19          facility used to detain children who have not attained 18  
20          years of age, or families consisting of 1 or more such chil-  
21          dren and the parents or legal guardians of such children,  
22          that is located in that State, be licensed by the State or  
23          any political subdivision thereof.

24          (d) EFFECTIVE DATE.—The amendment made by  
25          subsection (a) shall—

1           (1) take effect on the date of enactment of this  
2       Act; and

3           (2) apply to all actions that occur before, on, or  
4       after such date.

5       **SEC. 504. UNACCOMPANIED ALIEN CHILDREN.**

6       (a)    REPATRIATION    AND    SCREENING.—Section  
7   235(a) of the William Wilberforce Trafficking Victims  
8   Protection Reauthorization Act of 2008 (8 U.S.C.  
9   1232(a)) is amended—

10           (1) in paragraph (2)—

11                (A) in the paragraph heading, by striking  
12       SPECIAL RULES FOR CHILDREN FROM CONTIG-  
13       UOUS COUNTRIES and inserting “RULES FOR  
14       UNACCOMPANIED ALIEN CHILDREN”;

15                (B) in subparagraph (A)—

16                   (i) in the matter preceding clause (i),  
17       by striking “who is a national or habitual  
18       resident of a country that is contiguous  
19       with the United States”;

20                   (ii) in clause (i), by inserting “and”  
21       after the semicolon;

22                   (iii) in clause (ii), by striking “; and”  
23       and inserting a period; and

24                   (iv) by striking clause (iii);

25                (C) in subparagraph (B)—

1 (i) in the matter preceding clause (i),  
2 by striking “may”;

3 (ii) in clause (i), by inserting “may”  
4 before “permit such child”; and

5 (iii) in clause (ii), by inserting “shall”  
6 before “return such child”;

7 (2) in paragraph (3), in the paragraph heading,  
8 by striking “OTHER CHILDREN” and inserting  
9 “CHILDREN NOT MEETING PARAGRAPH (2)(A)”; and  
10 (3) in paragraph (5)(D)—

11 (A) in the matter preceding clause (i), by  
12 striking “, except for an unaccompanied alien  
13 child from a contiguous country subject to ex-  
14 ceptions under subsection (a)(2),” and inserting  
15 “who does not meet the criteria listed in para-  
16 graph (2)(A)”; and

17 (B) in clause (i), by inserting before the  
18 semicolon at the end the following: “, which  
19 shall include a hearing before an immigration  
20 judge not later than 14 days after being  
21 screened under paragraph (4)”.

22 (b) CUSTODY, TRANSFER, AND NOTIFICATION.—Sec-  
23 tion 235(b) of such Act (8 U.S.C. 1232(b)) is amended—

24 (1) in paragraph (2)—

1 (A) in subparagraph (A), by inserting “be-  
2 lieved not to meet the criteria listed in sub-  
3 section (a)(2)(A)” before the semicolon at the  
4 end; and

5 (B) in subparagraph (B), by inserting “  
6 and does not meet the criteria listed in sub-  
7 section (a)(2)(A)” before the period at the end;  
8 and

9 (2) by amending paragraph (3) to read as fol-  
10 lows:

11 “(3) TRANSFERS OF UNACCOMPANIED ALIEN  
12 CHILDREN.—Except in the case of exceptional cir-  
13 cumstances, any department or agency of the Fed-  
14 eral Government that has an unaccompanied alien  
15 child in custody—

16 “(A) shall, in the case of a child who does  
17 not meet the criteria listed in subsection  
18 (a)(2)(A), transfer the custody of such child to  
19 the Secretary of Health and Human Services  
20 not later than 30 days after determining that  
21 such child is an unaccompanied alien child who  
22 does not meet such criteria; and

23 “(B) may, in the case of a child who meets  
24 the criteria listed in subsection (a)(2)(A), trans-  
25 fer the custody of such child to the Secretary

1 of Health and Human Services after deter-  
2 mining that such child is an unaccompanied  
3 alien child who meets such criteria.”.

4 (c) INFORMATION SHARING AND ACCESS TO COUN-  
5 SEL.—Section 235(c) of such Act (8 U.S.C. 1232(c)) is  
6 amended—

7 (1) in paragraph (3)—

8 (A) in subparagraph (A), by striking the  
9 second sentence and inserting “Such determina-  
10 tion shall, at a minimum, include verification of  
11 the identity of the proposed custodian,  
12 verification of the relationship of the proposed  
13 custodian to the child, if any, collection of infor-  
14 mation sufficient to identify and locate the pro-  
15 posed custodian and assess the suitability of the  
16 proposed placement, and an independent find-  
17 ing that the proposed custodian has not en-  
18 gaged in any activity that would indicate a po-  
19 tential risk of abuse, neglect, maltreatment, ex-  
20 ploitation, or trafficking to the child.”;

21 (B) in subparagraph (B)—

22 (i) in the first sentence, by striking  
23 “first”;

24 (ii) in the second sentence—

1 (I) by striking “special needs”;

2 and

3 (II) by striking “sponsor clearly

4 presents a risk of abuse, maltreat-

5 ment” and inserting “custodian clear-

6 ly presents a risk of abuse, neglect,

7 maltreatment”; and

8 (iii) in the third sentence, by striking

9 “on children for whom a home study was

10 conducted and is authorized to conduct fol-

11 low-up services in cases involving children

12 with mental health or other needs who

13 could benefit from ongoing assistance from

14 a social welfare agency” and inserting “for

15 each child for whom a home study was

16 conducted, and may conduct follow-up

17 services in cases involving children with

18 mental health needs or other needs who

19 could benefit from continuing assistance

20 from a social welfare agency”;

21 (C) by amending subparagraph (C) to read

22 as follows:

23 “(C) ACCESS TO INFORMATION.—Not later

24 than 14 days after receiving a request from the

25 Secretary of Health and Human Services, the

1 Secretary of Homeland Security shall provide  
2 information necessary to conduct a safety and  
3 suitability assessment from appropriate Fed-  
4 eral, State, and local law enforcement and im-  
5 migration databases.”; and

6 (D) by adding at the end the following:

7 “(D) REQUIRED PLACEMENT INFORMA-  
8 TION.—(i) Before placing a child with an indi-  
9 vidual, the Secretary of Health and Human  
10 Services shall obtain and provide to the Sec-  
11 retary of Homeland Security information re-  
12 garding the proposed custodian, including—

13 “(I) the full legal name of the pro-  
14 posed custodian;

15 “(II) the date of birth of the proposed  
16 custodian;

17 “(III) the address of the residence at  
18 which the child will be placed;

19 “(IV) contact information for the pro-  
20 posed custodian;

21 “(V) the relationship of the proposed  
22 custodian to the child, if any;

23 “(VI) the Social Security number of  
24 the proposed custodian or, if no Social Se-  
25 curity number has been issued to the pro-

1           posed custodian, any alien registration  
2           number, I-94 number, passport number,  
3           or other immigration-related identifying  
4           number of the proposed custodian; and

5                   “(VII) the immigration status as-  
6           serted by the proposed custodian.

7                   “(ii) A child may not be placed with a pro-  
8           posed custodian unless the Secretary of Health  
9           and Human Services has obtained the informa-  
10          tion required under clause (i) and provided that  
11          information to the Secretary of Homeland Secu-  
12          rity.

13                   “(iii) Not later than 30 days after receiv-  
14          ing the information described in clause (i), the  
15          Secretary of Homeland Security shall, upon de-  
16          termining that the proposed custodian is unlaw-  
17          fully present in the United States and is not al-  
18          ready in removal proceedings under chapter 4  
19          of title II of the Immigration and Nationality  
20          Act (8 U.S.C. 1221 et seq.), initiate such pro-  
21          ceedings.

22                   “(iv) The proposed custodian shall be ineli-  
23          gible to receive placement of a child under this  
24          section if the proposed custodian provides mate-  
25          rially false, fictitious, or fraudulent information

1 under clause (i), unless the Secretary of Health  
2 and Human Services determines that excep-  
3 tional circumstances warrant otherwise.”; and  
4 (2) in paragraph (5), by striking “have counsel  
5 to represent them” and inserting “have access to  
6 counsel, at no expense to the Government, to rep-  
7 resent them”.

8 (d) EFFECTIVE DATE.—The amendments made by  
9 this section shall apply to any unaccompanied alien child  
10 (as such term is defined in section 462(g) of the Home-  
11 land Security Act of 2002 (6 U.S.C. 279(g))) apprehended  
12 on or after the date that is 30 days after the date of the  
13 enactment of this Act.

14 **TITLE VI—EMPLOYMENT ELIGI-**  
15 **BILITY VERIFICATION AND**  
16 **LABOR PROTECTIONS**

17 **SEC. 601. EMPLOYMENT ELIGIBILITY VERIFICATION.**

18 Section 274A of the Immigration and Nationality Act  
19 (8 U.S.C. 1324a) is amended—

20 (1) by amending subsection (b) to read as fol-  
21 lows:

22 “(b) EMPLOYMENT ELIGIBILITY VERIFICATION  
23 PROCESS.—

24 “(1) IDENTITY VERIFICATION REQUIRED.—

25 Each person, employer, or other entity that hires,

1 recruits, or refers individuals for employment in the  
2 United States, at the time of hiring, shall verify each  
3 individual's identity and employment authorization  
4 by examining the required documentation.

5 “(2) E-VERIFY.—The Secretary of Homeland  
6 Security shall maintain, at no cost to users, an elec-  
7 tronic employment eligibility verification system (re-  
8 ferred to in this subsection as ‘E-Verify’) that—

9 “(A) allows participating employers to con-  
10 firm an individual's identity and lawful status  
11 to work in the United States, as recorded in  
12 Department of Homeland Security and Social  
13 Security Administration databases;

14 “(B) includes a basic verification service  
15 that compares the information from an individ-  
16 ual's employment eligibility documents against  
17 Department of Homeland Security and Social  
18 Security Administration records; and

19 “(C) an identity authentication service that  
20 confirms the individual's identity for purposes  
21 of fraud prevention and national security.

22 “(3) MANDATORY ENROLLMENT.—Each person  
23 hiring a new employee shall enroll in and use E-  
24 Verify to confirm each employee's identity and work

1 authorization not later than the date on which the  
2 relevant employee completes his or her Form I-9.

3 “(4) EFFECT OF NONCONFIRMATION.—

4 “(A) IN GENERAL.—If E-Verify does not  
5 automatically confirm an individual’s authoriza-  
6 tion to work, the employer shall—

7 “(i) treat such individual as provision-  
8 ally authorized under this subsection (as in  
9 effect on the date before the enactment of  
10 the ASSIMILATION Act); and

11 “(ii) notify Department of Homeland  
12 Security of such nonconfirmation within  
13 the period specified in a regulation promul-  
14 gated pursuant to paragraph (7).

15 “(B) UNLAWFUL EMPLOYMENT.—An indi-  
16 vidual who is not ultimately confirmed by E-  
17 Verify shall be deemed to be unlawfully em-  
18 ployed in the United States after the expiration  
19 of the provisional period.

20 “(5) PENALTIES FOR VIOLATIONS.—A person  
21 or entity may be subject to civil or criminal penalties  
22 under this section only for violations related to an  
23 individual’s identity or work authorization if the per-  
24 son or entity—

1           “(A) had actual knowledge of such viola-  
2           tion; or

3           “(B) failed to timely update the employ-  
4           ment verification information upon receiving no-  
5           tice of a discrepancy.

6           “(6) GOOD-FAITH COMPLIANCE.—Good-faith  
7           compliance with system procedures (including proper  
8           completion of the E-Verify process) shall be a valid  
9           defense to any claim of a paperwork violation under  
10          this section.

11          “(7) RULEMAKING.—The Secretary of Home-  
12          land Security shall promulgate regulations that pre-  
13          scribe appropriate procedures for operating and  
14          using of E-Verify, including measures to safeguard  
15          privacy and to resolve system errors or  
16          mismatches.”; and

17          (2) by adding at the end the following:

18          “(i) ENROLLMENT AND SYSTEM REQUIREMENTS.—

19                 “(1) REGISTRATION; COMPLIANCE.—All em-  
20                 ployers subject to subsection (b) shall—

21                         “(A) register with through E-Verify; and

22                         “(B) comply with all applicable E-Verify  
23                 requirements for all new hires in the United  
24                 States.

1           “(2) AVAILABILITY.—The Secretary of Home-  
2           land Security shall ensure that—

3                   “(A) E-Verify is available to employers 24  
4           hours each day; and

5                   “(B) use of E-Verify does not cause sig-  
6           nificant delays in the hiring process.

7           “(3) NOTIFICATION.—All employers subject to  
8           subsection (b) shall inform employees of the use of  
9           E-Verify and the results of the verification for each  
10          such employee, in accordance with regulations pro-  
11          mulgated by the Secretary pursuant to subsection  
12          (b)(7).”.

13 **SEC. 602. H-2A WAGE METHODOLOGY.**

14          Section 218(a) of the Immigration and Nationality  
15          Act (8 U.S.C. 1188(a)) is amended by adding at the end  
16          the following:

17           “(3)(A) in determining the wage rates to be paid to  
18          H-2A workers under this subsection, the Secretary of  
19          Labor shall use a wage-rate methodology that ensures—

20                   “(i) such workers are not paid less than a wage  
21          rate that would adversely affect similarly employed  
22          United States workers; and

23                   “(ii) the wage rate for such workers is not less  
24          than the highest of—

1           “(I) the prevailing wage in the area of in-  
2           tended employment for the occupation code, as  
3           determined under regulations promulgated by  
4           the Secretary of Labor;

5           “(II) the applicable Federal or State min-  
6           imum wage; and

7           “(III) the average hourly wage paid to  
8           United States workers in the same occupation  
9           code and area of intended employment (based  
10          on recent official data), rounded up to the next  
11          whole dollar.

12          “(B) The Secretary of Labor—

13               “(i) shall publish the applicable wage rates for  
14               each occupation code and area of intended employ-  
15               ment before the beginning of each agricultural sea-  
16               son; and

17               “(ii) may update such rates at least annually.

18          “(C) This paragraph may be enforced in the same  
19          manner as any other wage requirements under this sec-  
20          tion.”.

1 **TITLE** **VII—CONFORMING**  
2 **AMENDMENTS; REPORTS; EF-**  
3 **FECTIVE DATES; APPLICA-**  
4 **BILITY; SEVERABILITY**

5 **SEC. 701. REPORTS.**

6 Not later than 1 year after the date of the enactment  
7 of this Act, and annually thereafter, the Secretary of  
8 Homeland Security shall submit to Congress a report on  
9 the economic impact, assimilation rates, and public-charge  
10 incidences associated with the amendments made by this  
11 Act.

12 **SEC. 702. EFFECTIVE DATES.**

13 This Act and the amendments made by this Act shall  
14 take effect on the date of enactment of this Act, unless  
15 otherwise provided in this Act.

16 **SEC. 703. APPLICABILITY AND TRANSITION PROVISIONS.**

17 (a) **INVALIDATED PETITIONS AND APPLICATIONS.—**  
18 Except as otherwise expressly provided in this Act, any  
19 petition, application, or other request for immigration sta-  
20 tus, classification, benefit, or relief filed under any immi-  
21 gration category, classification, or provision repealed by  
22 this Act is void as of the effective date of the repeal.

23 (b) **PENDING MATTERS.—**Except as otherwise ex-  
24 pressly provided in this Act, any petition, application, or  
25 other request for immigration status, classification, ben-

1 efit, or relief pending on the date of the enactment of this  
2 Act shall be adjudicated, denied, terminated, or otherwise  
3 resolved in accordance with this Act and the amendments  
4 made by this Act.

5 (c) PREVIOUSLY ISSUED VISAS.—Nothing in this sec-  
6 tion may be construed to invalidate a visa issued before  
7 the date of the enactment of this Act unless expressly pro-  
8 vided in this Act.

9 (d) DIVERSITY IMMIGRANT VISAS.—In the case of a  
10 diversity immigrant visa under section 203(c) of the Immi-  
11 gration and Nationality Act (8 U.S.C. 1153(c)), section  
12 202(e) of such Act shall control.

13 **SEC. 704. SEVERABILITY.**

14 If any provision of this Act, an amendment made by  
15 this Act, or the application of such provision or amend-  
16 ment to any person or circumstance, is held invalid or un-  
17 constitutional, the remainder of this Act, the amendments  
18 made by this Act, and the application of the provisions  
19 of such to any other person or circumstance shall not be  
20 affected thereby.